

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983



Action Number 1:11cv 978 TSE/TCB  
(To be supplied by the Clerk  
U.S. District Court)

Please fill out this complaint form completely. The court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly of type.

I. PARTIES

- A. Plaintiff:
1. (a) Cody R. Belford (Name) (b) 10905866 (Inmate number)  
(c) 15080 Old Belvidere Rd (Address)  
Copron VA 23829

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the clerk informed of such change, this action may be dismissed.

B. Defendant (s):

Plaintiff is advised that only persons acting under color of state law are proper defendants under section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under section 1983. In addition, liabilities under section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens and sheriffs are not liable under section 1983 just because they supervise persons who may have violated your rights. These persons are liable only if the were personally involved in the alleged deprivation.

1. (a) S. Chapman (Name) (b) deputy (Title/job description)  
(c) Furness St 118 Courthouse Lane (Address)  
Bowling Green VA  
22407



2.

(a) Adair County (b) \_\_\_\_\_  
 Sheriff's Department (Title/job description)  
 (c) Emory St. 118 Court House Lane  
 (Address)  
Burlington VA  
22467

3.

(a) \_\_\_\_\_ (Name) (b) \_\_\_\_\_ (Title/job description)

(c) \_\_\_\_\_ (Address)

\_\_\_\_\_

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

Plaintiff MUST provide and address for defendant (s) in order for the court to serve the complaint. If plaintiff does not provide and address for a defendant, that person may be dismissed as a party to this action.

In addition, plaintiff MUST provide a copy of the completed complaint and any attachments for EACH defendant named.

## II. PREVIOUS LAWSUITS

A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes ☐ No ☒

B. If your answer to A is YES: You must describe any lawsuit, whether currently pending or closed, in the space below. [If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.]

1. Parties to previous lawsuit:  
Plaintiff (s) \_\_\_\_\_  
Defendant(s) \_\_\_\_\_  
\_\_\_\_\_

2. Court [if federal court, name the district; if state court, name the county]: \_\_\_\_\_  
\_\_\_\_\_
3. Date lawsuit filed: \_\_\_\_\_
4. Docket number: \_\_\_\_\_
5. Name of Judge to whom case was assigned: \_\_\_\_\_  
\_\_\_\_\_
6. Disposition [Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?]: \_\_\_\_\_  
\_\_\_\_\_

### III GRIEVANCE PROCEDURE

- A. At what institution did the event concerning your current complaint take place? N/A Has to do with Sheriff's Dept + magistrate
- B. Does the institution listed in A have a grievance procedure?  
Yes ☐ No ☐
- C. If your answer to B is YES:
  1. Did you file a grievance based on this complaint?  
Yes ☐ No ☐
  2. If so, where and when: \_\_\_\_\_
  3. What was the result? \_\_\_\_\_  
\_\_\_\_\_
  4. Did you appeal? Yes ☐ No ☐
  5. Result of appeal: \_\_\_\_\_  
\_\_\_\_\_
- D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes ☐ No ☐. If you answered Yes: What steps did you take? \_\_\_\_\_  
\_\_\_\_\_
- E. If your answer in NO, explain why you did not submit your complaint to the prison authorities. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**V. RELIEF**

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. C.P. [please initial]

The plaintiff wants the Court to: [check those remedies you seek]

☒ Award money damages in the amount of \$ \$50,000 to \$100,000

☐ Grant injunctive relief by \_\_\_\_\_

☒ Other have I.A. investigate

**VI. PLACE OR INCARCERATION**

Please list the institution at which you were incarcerated during the last six months. If you were transferred during this period, list the date (s) of transfer.

Provide an address for each institution.

Deerfield Women's Work Center  
15080 Old Belvidere Rd  
Capron VA 23829

**VII. CONSENT**

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636 (c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge? Yes ☒ No ☐. You may consent at any time; however, any early consent is encouraged.

**VIII. SIGNATURE**

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 19 day of August, 2011

Plaintiff Candace Pelland



#### IV. STATEMENT OF THE CLAIM

State here as briefly as possible the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the names of any other persons involved, dates and places of events. You may cite constitutional amendments you allege were violated, but do not give any legal arguments or cite any cases or statutes.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. (Attach additional sheets if necessary.)

- 1) When followed on Sept 5<sup>th</sup> 2010, I passed all field sobriety test and field breathalyzer, taken in any way because as officer told magistrate "passed but poorly." That was his "opinion". I was told to find one close to it by magistrate (not fair) either did or didn't
- 2) 1<sup>st</sup> report written as to why he pulled me over was destroyed because could not find a code for so called infraction he told me as I went into curb I touched the yellow line and when came out of curb touched the dirt on right (still left me on my side of road).
- 3) Followed me constantly, I felt stalked
- 4) On Sept 14<sup>th</sup> 2010, my daughter was about to drive me to work, she said car felt funny so I got in backed out of driveway and pulled back in as I came up on porch I heard someone speak it was Chapman, he made statement to me then he came up on porch put cuff on wrist twisted my arm back and around with back of hand touching my neck, in pain I grabbed for my arm informing him he was hurting me he snatched me down steps and threw me on ground with knee in my back saying I was resisting arrest, went to hospital and orthopedic surgeon supposed to have physical therapy could not afford, when went to court my lawyer Patrick Bynum told me they were out to get me because I took out formal complaint against officer and told about racist remarks he made in car on the way to hospital also I was still in pain



- 1) IN reference to charge that was provided by officer ON 9-5-10 he gave ME UNSAFE lane change when I made turn at least a quarter of a mile from where he worded the "infraction" that had NO CODE and I had signal on when I turned
- 2) Comment he made I felt was derogatory was word as "if you people" wouldn't drive without licences I wouldn't have to do.
- 3) Had trouble with arm going numb, pulled or strained rotator cuff from excessive use of force on ~~myself~~. Arm being twisted and yanked also felt had no control of situation after being told if I chose to fight case would (Commonwealth said would give ME MORE TIME basically I was scared and coerced into plea guilty

Cynthia Pollard

- 4) As far as informal Complaint, I don't feel anything was looked into because proper work was not even completed by his superior as can be seen on Complaint. Also saw officer before court in neighborhood and store smiling smugly.

IN FORMA PAUPERIS AFFIDAVIT

(insert appropriate court)

Carolyn Pollard  
(Petitioner/Plaintiff)

AFFIDAVIT IN SUPPORT  
REQUEST TO PROCEED  
IN FORMA PAUPERIS

v. Civil Action No. \_\_\_\_\_

Deputy S. Chapman, Caroline County Sheriff's Dept.  
Respondent (s) / Defendant (s)

I, Carolyn Yvette Pollard, being first duly sworn, depose and say that I am the petitioner in the above entitled case; I bring this action; that in support of my motion to proceed without being required to prepay fees, costs or give security therefore, I state that because of my poverty I am unable to prepay the costs of said proceeding or give security therefore, that I believe I am entitled to relief.

I further swear that the responses which I have made to questions and instructions below are true.

1. Are you presently employed? Yes ☒ No ☐
  - a. If the answer is "yes," state the amount of salary or wages per month, and give the name and address of your employer.  
\$15 p/hr Deedfield Women's Work Center
  - b. In the answer is "no," state the date of last employment and the amount of salary and wages per month which you received.  
\_\_\_\_\_
2. Have you received within the past twelve months any money from any of the following sources?
  - a. Business or profession or form of self employment? Yes ☐ No ☒
  - b. Rent payments, interest or dividends? Yes ☐ No ☒
  - c. Pensions, annuities or life insurance payments? Yes ☐ No ☒
  - d. Gifts or inheritances? Yes ☐ No ☒
  - e. Any other sources? Yes ☐ No ☒

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months. \_\_\_\_\_

3. a. What's in the current balance in your prison spend account? \$65  
b. Do you have any money in any other prison account or regular bank account bank accounts? Yes ☐ No ☒



If you answered yes, identify the account (s) and state the balance (s). \_\_\_\_\_

4. Do you own any real estate, stock, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes [ ] No [☒]

If your answer is "yes," describe the property and state its approximate value.  
\_\_\_\_\_

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support. Son, 12 yrs old Robert Brondus, not able to support himself in system since 7/22/10  
\_\_\_\_\_

6. List all of your prior cases that were dismissed as frivolous, malicious or failed to state a claim upon which relief could be granted, i.e., pursuant to Fed. R. Civ. P. 12 (b)(6). N/A  
\_\_\_\_\_  
\_\_\_\_\_

7. Complete number 7 **only if your case has been dismissed**.  
List the issues you intend to present on appeal. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The failure to complete the **entire** affidavit will result in the immediate termination of the action. If more room is needed for any response, please attach additional pages.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8/19/11  
(Date)

  
(Signature)